THE AIR FORCE
LAW REVIEW

VOL. 33 **1990**

CONTENTS

FOREWORD ..... *v*
Major General Keithe E. Nelson, USAF

PREFACE ..... *vi*
Stuart M. Gerson

ARTICLES

The Feres Doctrine: Here Today—Gone Tomorrow? 1
Colonel Edwin F. Hornbrook, USAF and
Captain Eugene J. Kirschbaum, USAF

Personal Civil Liability for Federal Employees and Their Representation by the Department of Justice in the Aftermath of the *Westfall* Legislation—An Introduction for the Base Judge Advocate 19
Lieutenant Colonel R. Craig Anderson, USAF and
Lieutenant Colonel John M. Pellett, USAF

Qui Tam: White Knight or Trojan Horse? 31
Major John C. Kunich, USAF

An Overview of the Federal Tort Claims Act 51
Lieutenant Colonel Hervey A. Hotchkiss, USAF

Damages Limitations Under the Federal Tort Claims Act 59
Major Walter D. Phillips, USAF

Scope of Employment Under the Federal Tort Claims Act and Attempts to Expand the Limits 69
Major Michael P. Frederick, USAF

CONTENTS–Continued

The Loss of Chance Doctrine in Medical Malpractice 97
Lieutenant Colonel Michael J. Fox, USAF

Alcohol-Related Claims Under the Federal Tort Claims Act 105
Major Frances G. Adams, II, USAF and
Captain Terrie M. Gent, USAF

A Claims Officer's Guide to Aviation Claims 113
Lieutenant Colonel Stewart F. Aly, USAFR

Use of the FTCA Discretionary Function Exception in
Sonic Boom and Low Overflight Litigation 137
Major Richard B. Sorenson, USAF

The Government Contractor Defense: The Limits of
Immunity After *Boyle* 147
Major John J. Michels, Jr., USAF

Medical Care Recovery Claims: A Working Guide for
Claims Officers 163
Timothy J. McGrath

The Borrowed Servant Defense and the Federal
Tort Claims Act: Defending Physicians in Training 171
Major Sherri W. Johnson, USAF, and
Neil S. Richman

Autonomy, Consent, and the Conflict of Rights in Health Care 183
Joseph A. Procaccino, Jr.

Fear of Cancer—A Legitimate Claim in Toxic Tort Cases? 193
Major Keith J. Klein, USAF

Government Tort Liability Arising from the Provision of Child
Care Services—Military Child Development Centers and Licensed
"Family Home Day Care" 217
Captain Keith R. Alich, USAF, Captain Terrie M. Gent, USAF, and
Major Michael P. Frederick, USAF

State Law Requirements for Reporting Suspected Child Abuse—
Must We Comply? 243
Loren S. Perlstein

Statute of Limitations Issues in Environmental
Torts Against the Federal Government 249
Judith B. Regan

Status of Forces Agreements as Exclusive Claims Remedies 255
Francis B. Van Nuys